

**REMARKS:**

In the Office Action the Examiner noted that claims 101-108 are pending in the application, and the Examiner rejected all claims.

By this Amendment, claims 101-106 have been amended. No new matter has been presented. Claims 1-100 remain cancelled.

Thus, claims 101-108 are pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

**CLAIM REJECTIONS UNDER 35 USC § 103:**

In item 7 on page 5 of the Office Action the Examiner rejected claims 101-108 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,056,019 (Schultz) in view of Patent No. 5,201,010 (Deaton), in further view of U.S. Patent No. 4,882,675 (Nichtberger). The Applicants respectfully traverse the Examiner's rejections these claims.

The cited references do not teach or suggest system and method configured to "receive a customer identification information for a connection to the point management system from the customer terminal", "identify the customer" and "regardless of the customer's request for sending points, configured to send the customer's current cumulative points stored in the customer database to the customer terminal via the network after identifying of the customer and prior to performing transactions by the customer", as recited in claim 101 for example. See also independent claims 102 to 106 which recite similar features.

The Examiner has deemed that, on one hand, Schultz teaches sending a status report...that details—reward amounts that have already been earned. This status report is sent to the customer regardless of the customer's request (see the Response to Arguments on page 3, lines 7-10 of the outstanding Office Action (second version).

However, on the other hand, the Examiner has deemed that, Schultz fails to teach that the report is sent to a customer terminal after the customer identification and prior to performing a transaction by the customer (see same page 3, lines 10-11). Thus, the Examiner acknowledges that the Schultz does not teach or suggest each and every feature of the claimed invention, and relies on Schultz combined with both Deaton and Nichtberger. However, for the reasons set forth below, none of the cited references teach or suggest the claimed invention.

Deaton is directed to dissemination of Point-Of-Sale coupons, however, the terminal used for the dissemination is a POS terminal as apparent from col. 69, line 64 to col. 70, line 9. The Deaton coupons are tied to a transaction and are limited to being distributed at the time when a customer hands a check to a store clerk. That is, Deaton does not teach or suggest, "a point issuing part configured to receive a customer transaction information from the customer terminal", "a customer identification part configured to receive a customer identification information for a connection to the point management system from the customer terminal", and "a point sending part...configured to send the customer's current cumulative points stored in the customer database to the customer terminal", as recited in claim 101 for example. See also independent claims 102 to 106.

According to Deaton, a shopper is identified by a check (see, col. 68, lines 20-39, particularly the Steps 5, 6 and 13 listed therein). However, the claimed invention is directed to "identification information for a connection to the point management system from the customer terminal" which is not taught or suggested by the system of Deaton.

In Deaton, a check is taken for tendering purchase at a retail store (see, col. 68, lines 20-21), where the action of handing a shopper a check is apparently carried out after the related transaction has been commenced. Accordingly, Deaton does not disclose "a point sending part...configured to send the customer's current cumulative points stored in the customer database to the customer terminal" as recited in independent claim 101. See also claims 102-106.

Nichtberger is directed to having a customer insert his or her special card into a CDR 120, displaying a coupon selection list for customers on a screen of the CDR 120, having the customer select one of the coupons among from the listed coupons which the customer wishes to get and storing the selected coupon in a memory of the CDR 120 (see, col. 17, lines 30-61 of Nichtberger).

The CDR 120 is a "coupon distribution and redemption" device (see, e.g. col. 5, lines 3 and 4 of Nichtberger), and therefore the CDR 120 is a device which apparently intends to distribute and select coupons. That is, Nichtberger does not teach or suggest "(a point issuing part configured to receive a customer transaction information from the customer terminal", "a customer identification part configured to receive a customer identification information for a connection to the point management system from the customer terminal", and "a point sending part...configured to send the customer's current cumulative points stored in the customer

database to the customer terminal", as taught by the claimed invention. See each of claims 101 to 106.

The CDR 120 is a device which apparently intends to distribute and select coupons, as mentioned above. Therefore, it is apparent that the timing of the identification of a customer by the insertion of his or her special card into the CDR 120 is the timing when the customer requests for a distribution and selection of coupons (see, col. 5, lines 4-11 and column 10, line 65-column 11, line 15).

In contrast, according to the claimed invention (claims 101-106), the timing of identifying the customer is based on "identification information for a connection to the point management system from the customer terminal." Thus, Nichtberger does not disclose the inventions of amended independent claims 101-106.

Further, in Nichtberger, a coupon is displayed upon receipt of a request for displaying coupon information by customers. This is distinguishable over the feature of "regardless of the customer's request of sending points" as recited in each of the independent claims.

It is respectfully submitted that none of the cited references teach or suggest the above identified features of the claims.

At least on page 4 of the outstanding Office Action, the Examiner asserts that it would have been obvious to modify the teachings of Schultz to include having the customer access their reward coupons as items are being purchased (before the purchase total) as taught by Deaton and Nichtberger. This, the Examiner alleges is because it allows customers to take advantage of earned coupons/rewards through their shopping history.

Absent improper hindsight, one would not have the required motivation to modify the teachings as suggested by the Examiner. According to MPEP 2143.01, the modification proposed in the Office Action cannot render the prior art unsatisfactory for its intended purpose. For example, assuming, *arguendo*, that the teachings of Deaton and Schultz could be combined, it is not possible to have Deaton which discusses a check reader scanning the data printed thereon during a time a store clerk processes a transaction *and* also provide reports without requiring commencing the transaction based on the periodic reports as discussed in Schultz.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over the cited references.

Therefore, withdrawal of the rejection is respectfully requested.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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